

CHAPTER 245  
FORMERLY  
SENATE SUBSTITUTE NO. 1 FOR  
SENATE BILL NO. 151  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LOTTERY FACILITIES AND DELINQUENT CHILD SUPPORTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 48, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through and re-lettering the remaining paragraphs accordingly as follows:

§ 4803. Definitions.

(n) “Qualified child support obligation” shall mean any child support lien in excess of \$150 as provided by Title 13, Chapter 22, § 2215 of the Delaware Code.

(o) “Qualified video lottery prize” shall mean any video lottery prize paid by cash or check for which a W-2G is issued equal to or in excess of \$1,200 (but less any amounts withheld for income taxes).

§4838. Delinquent Child Support.

(a) The Director of the Division of Child Support Enforcement, Department of Health and Social Services shall enter into a cooperative agreement with the Director and the operator of each video lottery facility within this State whereby the Director of the Division of Child Support Enforcement shall provide information regarding individuals with a qualified child support obligation for the purpose of satisfying such obligation in part or in whole with any qualified video lottery prizes won by such individuals. Prior to awarding any qualified video lottery prize, an operator of a video lottery facility shall determine if the winner of such prize owes a qualified child support obligation. In the event that a qualified child support obligation is owed, such prize shall be reduced by (i) 100% in the event that qualified video lottery prize is less than or equal to the qualified child support obligation or (ii) by the amount of the qualified child support obligation in the event that the qualified video lottery prize exceeds the qualified child support obligation. Any remaining amounts shall be awarded to the qualified video lottery prize winner.

(b) The specific information and the manner and frequency with which it is made available or otherwise exchanged between the Division of Child Support Enforcement, the Director and each operator of video lottery facility in this State shall be as determined by each cooperative agreement, but such cooperative agreement must specify:

(1) that the Division of Child Support Enforcement shall make available or otherwise provide or update information at least once each calendar month;

(2) that the operator of a video lottery facility shall make use of automated data exchanges to the maximum extent feasible and will remit to the Division of Child Support Enforcement those qualified video lottery prizes that offset qualified child support obligations as set forth in the written agreements;

(3) the procedure by which the operator of a video lottery facility will remit to the Division of Child Support Enforcement those qualified video lottery prizes that offset qualified child support obligations;

(4) that the operator of the video lottery facility will provide the qualified prize winner written notice of the amount withheld from the qualified video lottery prize and instructions for contesting an intercept directly to the Division of Child Support Enforcement; and

(5) any such other matters as the parties to such an agreement shall deem necessary to carry out the provisions of this section.

(c) An operator of a video lottery facility shall not be liable under any state law to any person or government agency for:

(1) Any disclosure of information to the Division of Child Support Enforcement under this section; or

(2) As provided in 13 Del. C. 513(c)(4), with regard to any order of child support made payable to the Division, the Division's records shall be presumptive of the payment or nonpayment of each installment payment; or

(3) Any other action or omission taken in good faith to comply substantially with the requirements this section.

(d) The Director shall promulgate such rules and regulations as is deemed necessary to carry out the provisions of this section.

Section 2. Each operator of a video lottery facility shall enter into such cooperative agreement no later than June 30, 2013, and shall begin intercepting qualified video lottery prizes for the purpose of offsetting qualified child support debts no longer than 30 days after the implementation of the Delaware Child Support System by the Division of Child Support Enforcement.

Approved May 21, 2012